

## CHAPTER 9

### SECRETARY OF STATE

SUBCHAPTER I		9.8	Address confidentiality program revolving fund.
GENERAL PROVISIONS		9.9	and 9.10 Reserved.
9.1	Duties — records.		
9.2	Records relating to cities.		
9.2A	Records relating to condemnation.		
		SUBCHAPTER II	
		EXTRA FILING SERVICES	
9.3	Commissions.	9.11	Definitions.
9.4	Fees.	9.12	Rules.
9.4A	Technology modernization fund.	9.13	Business administration fund.
9.5	Salary.	9.14	Preclearance filing service — surcharge.
9.6	Iowa official register. Repealed by 2003 Acts, ch 35, §47 – 49.	9.15	Expedited filing service — surcharge.
9.7	Access to corporation records.		

### SUBCHAPTER I

#### GENERAL PROVISIONS

#### 9.1 Duties — records.

The secretary of state shall keep the secretary of state's office at the seat of government, and perform all duties required by law; the secretary shall have charge of and keep all the Acts and resolutions of the territorial legislature and of the general assembly of the state, the enrolled copies of the Constitutions of the state, and all bonds, books, records, maps, registers, and papers which are now or may hereafter be deposited to be kept in the secretary of state's office, including all books, records, papers, and property pertaining to the state land office.

[C51, §43; R60, §59; C73, §61; C97, §66; C24, 27, 31, 35, 39, §85; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §9.1]

Designated as state commissioner of elections, [§47.1](#)  
Duties relating to filing of federal liens; see [§331.609](#)

#### 9.2 Records relating to cities.

The secretary of state shall receive and preserve in the secretary's office all papers transmitted to the secretary in relation to city development, including incorporation, discontinuance, or boundary adjustment; and shall keep an alphabetical list of cities in a book provided for that purpose, in which shall be entered the name of the city, the county in which situated, and the date of incorporation, discontinuance, or boundary adjustment.

[R60, §1046; C73, §65; C97, §67; C24, 27, 31, 35, 39, §86; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §9.2]

#### 9.2A Records relating to condemnation.

The secretary of state shall receive and preserve in the secretary's office all papers transmitted to the secretary in relation to condemnation and shall keep an alphabetical list of acquiring agencies in a book provided for that purpose, in which shall be entered the name of the acquiring agency, the county in which the real property is located, and the date the condemnation application was filed.

[99 Acts, ch 171, §25, 42](#)

#### 9.3 Commissions.

All commissions issued by the governor shall be countersigned by the secretary, who shall register each commission in a book to be kept for that purpose, specifying the office, name

of officer, date of commission, and tenure of office, and forthwith forward to the directors of the departments of management and of administrative services copies of the registration.

[C51, §44; R60, §60; C73, §62; C97, §68; S13, §68; C24, 27, 31, 35, 39, §87; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §9.3]

88 Acts, ch 1134, §8; 2003 Acts, ch 145, §127

#### 9.4 Fees.

The secretary of state shall collect all fees directed by law to be collected by the secretary of state, including a fee to be determined by the secretary of state by rule adopted pursuant to [chapter 17A](#) for a copy of any law or record.

[C51, §2524; R60, §4133; C73, §3756; C97, §85; C24, 27, 31, 35, 39, §88; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §9.4; 81 Acts, ch 21, §1]

93 Acts, ch 143, §1; 2021 Acts, ch 142, §30

#### 9.4A Technology modernization fund.

1. A technology modernization fund is created in the state treasury under the control of the secretary of state. Moneys in the fund are appropriated to the secretary of state for purposes of modernizing technology used by the secretary of state to fulfill the duties of office.

2. On and after July 1, 2022, any unobligated or unencumbered moneys remaining in this fund are appropriated to the secretary of state for purposes of modernization within the business services division until fully expended or until June 30, 2026, whichever occurs first.

3. This section is repealed July 1, 2026.

2017 Acts, ch 170, §23; 2022 Acts, ch 1140, §29

Section amended

#### 9.5 Salary.

The salary of the secretary of state shall be as fixed by the general assembly.

[C31, 35, §88-c1; C39, §88.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §9.5]

#### 9.6 Iowa official register. Repealed by 2003 Acts, ch 35, §47 – 49. See §2A.5.

#### 9.7 Access to corporation records.

The secretary of state shall offer to county recorders electronic access to corporation records. The secretary of state shall adopt rules providing for the electronic access and for the dissemination of the information by the county recorders.

91 Acts, ch 211, §1

#### 9.8 Address confidentiality program revolving fund.

1. An address confidentiality program revolving fund is created in the state treasury. The fund shall consist of moneys collected by the clerk of the district court for deposit in the fund pursuant to [section 602.8108, subsection 6](#), and transfers of interest, earnings, and moneys from other funds as provided by law. The moneys in the fund are subject to appropriation to the office of the secretary of state by the general assembly. The office of the secretary of state shall administer the fund. The office of the secretary of state shall provide an annual report to the department of management and the legislative services agency on expenditures from the fund in a format as determined by the department of management in consultation with the legislative services agency.

2. To meet cash flow needs for the address confidentiality program established in [chapter 9E](#), the office of secretary of state may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund for purposes of the program if those additional expenditures can be fully reimbursed with moneys collected pursuant to [section 602.8108, subsection 6](#), and the office of the secretary of state reimburses the general fund of the state and ensures that all moneys are repaid in full by the close of the fiscal year. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation

for purposes of calculating the state general fund expenditure limitation pursuant to [section 8.54](#).

3. [Section 8.33](#) does not apply to any moneys transferred, credited, or appropriated to the revolving fund.

[2015 Acts, ch 96, §1](#); [2015 Acts, ch 141, §34, 35, 67, 68](#)

Referred to in [§602.8108](#)

**9.9 and 9.10** Reserved.

## SUBCHAPTER II

### EXTRA FILING SERVICES

Referred to in [§486A.105A](#), [488.206A](#), [489.205A](#), [490.120A](#), [491.5A](#), [499.44A](#), [501.105A](#), [501A.201A](#), [504.111A](#)

#### 9.11 Definitions.

As used in [this subchapter](#) unless the context otherwise requires:

1. “Document” means a document for filing by the secretary as provided in the relevant filing statute as follows:

a. [Chapter 486A](#), including as provided in [section 486A.105](#), and as stated in [section 486A.1202](#) or as otherwise described in [sections 486A.1212](#) and [486A.1213](#).

b. [Chapter 488](#), including as provided in [section 488.206](#), and as stated in [section 488.117A](#) or as otherwise described in [sections 488.116](#), [488.202](#), [488.210](#), [488.306](#), [488.810](#), [488.904](#), [488.906](#), [488.907](#), [488.1104](#), and [488.1108](#).

c. [Chapter 489](#), including as provided in [section 489.205](#), and as stated in [section 489.117](#) or as otherwise described in [sections 489.112](#), [489.302](#), [489.702](#), [489.1008](#), [489.1012](#), and [489.14502](#).

d. [Chapter 490](#), including as provided in [section 490.120](#), and as stated in [section 490.122](#).

e. [Chapter 491](#), including as described in [sections 491.5](#), [491.13](#), [491.15](#), [491.20](#), [491.23](#), [491.25](#), [491.27](#), [491.28](#), [491.107](#), [491.111](#), and [491.112](#).

f. [Chapter 499](#), including as provided in [section 499.44](#), and as stated in [section 499.45](#) or as otherwise described in [sections 499.4](#), [499.5](#), [499.41](#), [499.42](#), [499.43A](#), [499.43B](#), [499.47](#), [499.49](#), [499.54](#), [499.67](#), [499.69](#), [499.73](#), [499.73A](#), and [499.74](#).

g. [Chapter 501](#), including as provided in [section 501.105](#), and as otherwise described in [sections 501.106](#), [501.617](#), [501.713](#), [501.801](#), [501.803](#), [501.804](#), and [501.813](#).

h. [Chapter 501A](#), including as provided in [section 501A.201A](#), and as stated in [section 501A.205](#) or as otherwise described in [sections 501A.231](#), [501A.302](#), [501A.1101](#), and [501A.1104](#).

i. [Chapter 504](#), including as provided in [section 504.111](#), and as stated in [section 504.113](#) or as described in [sections 504.115](#), [504.1508](#), and [504.1521](#).

2. “Extra filing service” means a preclearance filing service as provided in [section 9.14](#) or expedited filing service as provided in [section 9.15](#).

3. “Preclearance filing service” or “service” means an advanced review by the secretary of the proposed filing of a document to determine the sufficiency of the actual filing of the document to meet all applicable statutory requirements as required in [section 9.14](#).

4. “Secretary” means the secretary of state.

[2021 Acts, ch 165, §249](#)

#### 9.12 Rules.

The secretary shall adopt rules pursuant to [chapter 17A](#) necessary or desirable to administer [this subchapter](#), including by offering and performing extra filing services upon request by filers. The rules may increase the amount of a surcharge implemented, assessed, and collected, or modify the period of service as provided under [this subchapter](#).

[2021 Acts, ch 165, §250](#)

#### 9.13 Business administration fund.

1. A business administration fund is created in the state treasury under the control of the

secretary. The fund is composed of moneys collected in surcharges implemented, assessed, and collected by the secretary pursuant to [sections 9.14 and 9.15](#).

2. Moneys in the business administration fund are appropriated to the office of the secretary of state for the exclusive purpose of supporting the administration of [Title XII](#).

3. [Section 8.33](#) shall not apply to moneys in the fund. Notwithstanding [section 12C.7](#), moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in [this section](#).

[2021 Acts, ch 165, §251](#)

Referred to in [§9.14, 9.15](#)

#### **9.14 Preclearance filing service — surcharge.**

1. Upon the request of the filer of a document not yet actually filed, the secretary shall provide a preclearance filing service to determine if the proposed filing of the document would be actually filed by the secretary under the relevant filing statute. The secretary shall report to the filer whether the proposed filing of the document is approved or disapproved.

2. If the secretary reports the approval of a proposed filing of the document, the secretary shall return the proposed filing's document stamped with the approval date. If an inaccuracy or defect was present in an approved proposed filing of a document, but that inaccuracy or defect prevents the actual filing of the document by the secretary, the filer may timely submit a corrected document. The corrected document is effective retroactively as of the date that the filer submitted the approved proposed filing to the secretary for actual filing.

3. *a.* If the secretary reports the approval of a proposed filing of the document, and the document is actually filed within six months from the date of the proposed filing's approval date, the actual filing of a document is presumed valid.

*b.* [This section](#) does not affect the operation of filing a statement of correction as provided in [section 486A.1204, 488.207, or 489.206](#); articles of correction as provided in [section 490.124, 499.44, 501.105, 501A.204, or 504.115](#); or an application for the issuance of a new certificate as provided in [section 491.29](#).

4. *a.* The secretary shall implement, assess, and collect a surcharge for providing the preclearance filing service based on the period of service as follows:

- (1) For same-day service, the surcharge shall be two hundred fifty dollars.
- (2) For two-day service, the surcharge shall be twice the amount of the filing fee.
- (3) For three-day service, the surcharge shall be the same amount as the filing fee.

*b.* The secretary of state is not required to provide a four-day or more period of service.

*c.* The surcharge shall be added to the amount of the fee implemented, assessed, and collected for the actual filing of the document.

*d.* The secretary shall provide a preclearance filing service without charge to approve or disapprove a proposed corrected actual filing of a document, if an inaccuracy or defect was present in a proposed filing of the document, the proposed filing of the document was approved, and the inaccuracy or defect prevented the actual filing of the document.

5. Any moneys collected by the secretary under [this section](#) shall be deposited in the business administration fund created in [section 9.13](#).

[2021 Acts, ch 165, §252; 2022 Acts, ch 1021, §2](#)

Referred to in [§9.11, 9.13](#)

Subsection 2 amended

#### **9.15 Expedited filing service — surcharge.**

1. Upon the request of the filer of a document, the secretary shall provide an expedited filing service. As part of the service, the secretary shall file a document submitted by a filer on an expedited basis.

2. The secretary shall implement, assess, and collect a surcharge for providing the expedited filing service based on the period of service as follows:

- a.* For a two-day service, the surcharge shall be fifty dollars.
- b.* For a five-day service, the surcharge shall be fifteen dollars.

3. The surcharge shall be added to the amount of the fee implemented, assessed, and collected for the actual filing of the document.

4. Any moneys collected by the secretary under [this section](#) shall be deposited in the business administration fund created in [section 9.13](#).

[2021 Acts, ch 165, §253](#)

Referred to in [§9.11](#), [9.13](#)